

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

**Request for Modifying the Conditions or Term of Supervision with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Christopher Brattain

Case Number: 1:06CR00293-01

Name of Sentencing Judicial Officer: The Honorable Robert Holmes Bell
U.S. District Judge

Name of Presiding Judicial Officer: The Honorable Paul L. Maloney
U.S. District Judge

Date of Original Sentence: April 17, 2007

Original Offense: Count 1: Aggravated Sexual Abuse of a Minor; 18 U.S.C. § 2241(c)

Original Sentence: 144 months imprisonment and 10 years supervised release. Special Conditions: (1) no contact with anyone under 18; (2) reside at approved location and with approved persons; (3) sex offender treatment; (4) no unmonitored internet or computer devices without permission of the probation officer; (5) gainful employment; (6) mental health treatment; (7) no contact with victim; (8) comply with sex offender registration; (9) financial disclosure; and (10) 100 hours of community service per year. Special Assessment, \$100.00 (paid in full). Restitution, \$5,000.00 (paid in full).

Type of Supervision: Supervised Release

Date Supervision Commenced: March 3, 2017
Expiration Date: March 2, 2027

PETITIONING THE COURT

To modify the conditions of supervision by adding Special Condition Numbers 11 and 12:

11. You must participate in the Computer/Internet Monitoring Program and must comply with the rules of the program as directed by the U.S. Probation Office. You must pay the cost of computer monitoring as directed by the probation officer, and advise anyone in your household that any computer(s) in the household may be subject to computer monitoring.
12. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

CAUSE

Mr. Brattain is a hands-on sex offender, and his instant offense involved him sexually abusing his daughter. Mr. Brattain has not incurred any violations. He is attending and participating in sex offender treatment. He maintains two jobs, an apartment, and attends classes at Grand Rapids Community College, Grand Rapids, Michigan. Both this officer and his sex offender treatment provider believe Mr. Brattain is ready to use the internet on an approved monitored device. It is therefore respectfully recommended Special Condition Numbers 11 and 12 be added so the probation office can monitor his internet device and search the device, if needed.

Previous Violations

- **July 23, 2018:** Modification of supervised release as a result of Mr. Brattain's hardship completing 100 hours of community service per year. The Court removed special condition number (10) requiring completion of 100 hours of community service per year.
- **November 14, 2018:** Modification of supervised release to update Mr. Brattain's sex offender condition. The Court amended special condition number (3) participate in sex offender treatment, to include physiological testing.

U.S. Probation Officer Action:

The offender agreed to the proposed modification and executed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release, which is attached for the Court's review.

Approved,

by /s/ Scott M. Lopofsky
Scott M. Lopofsky
Supervisory U.S. Probation Officer
Date: October 28, 2019

Respectfully submitted,

by /s/ Amy L. VanderVelde
Amy L. VanderVelde
U.S. Probation Officer Specialist
Date: October 28, 2019

THE COURT ORDERS:

- No Action
- The Modification of Conditions as Noted Above
- Other

/s/ Paul L. Maloney
The Honorable Paul L. Maloney
U.S. District Judge

October 29, 2019
Date

United States District Court

Western District of Michigan

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

Christopher Brattain

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervision type or to the proposed extension of my term of supervision:

To add special condition number 11 and 12 to read as follows:

11. You must participate in the Computer/Internet Monitoring Program and must comply with the rules of the program as directed by the U.S. Probation Office. You must pay the cost of computer monitoring as directed by the probation officer, and advise anyone in your household that any computer(s) in the household may be subject to computer monitoring.

12. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

Witness



(U.S. Probation Officer)

Signed



First Name Last Name

Oct 16, 2019
(Date)